

REMARKS

Claims 1 – 19 are pending in this application.

Claims 1 – 19 have been rejected.

Entry of Amendment

This amendment, after a rejection on the merits, made final, mailed January 8, 2008, is submitted along with a Request for Continued Examination (RCE) under the provisions of 37 CFR § 1.114 and, hence, should be entered and considered. Entry of this amendment and consideration of these remarks is respectfully requested.

Claim Amendments

Claims 1 and 10 have been amended to specify that the current template is determined to be valid based only on a comparison with the second collected events and that the updated template is generated only from the collected second selected events. Support for the amendments can be found, for example, at page 22, lines 1-25, in reference to FIG. 6. No new matter has been added. Claims 1-19 are pending and under consideration.

Rejections Under 35 U.S.C. § 102

Claims 1 – 19 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0183637 (“Kim ‘637”). These rejections, over the claims as amended, are respectfully traversed.

Independent claims 1 and 10 set forth determining whether a current template is valid based upon a comparison of only a predetermined number of detected non-paced heartbeats collected during the second discrete sample collection interval (second collected events) and generating an updated template from predetermined number of detected non-paced heartbeats collected during the second discrete sample collection interval (second collected events) in response to the current template not being valid.

Kim '637 teaches correlating a current rhythm to a stored template, and if the current rhythm does not correlate with the stored template, a candidate template is generated and a determination is made as to whether the current rhythm matches the candidate template. As shown by the timeline of Figure 6 of Kim '637, Kim '637 teaches using newly acquired beats for generating the candidate template. Kim '637 states that a stored template is checked with newly detected template beats on "a beat-by-beat operation and there is no need to store the multiple beats" (see paragraph 82). Kim '637 does not teach determining whether a current template is valid based upon a comparison of only predetermined number of detected non-paced heartbeats collected during the second discrete sample collection interval (second collected events), and generating an updated template from only predetermined number of detected non-paced heartbeats collected during the second discrete sample collection interval (second collected events) in response to the current template not being valid, as set forth in independent claims 1 and 10 of the present application. Therefore, claim 1 and claims 2-9 dependent thereon and independent claim 10 and claims 11-19 dependent thereon are patentably distinguishable from Kim '637. It is respectfully submitted that the rejections of claims 1 – 19, as amended, as being anticipated by Kim '637 are improper and should be withdrawn.

Summary

In view of the amendments made and the arguments presented, claims 1 – 19 should be allowable, this application should be in condition for allowance and a notice to that effect is earnestly solicited.

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Respectfully Submitted,

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